

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRECK SMITH,)	
)	
Petitioner,)	2:10-CV-01596-PMP-GWF
)	2:11-CV-00556-RLH-CWH
vs.)	
)	ORDER CONSOLIDATING CASES
D.W. NEVEN, <i>et al.</i> ,)	
)	
Respondents.)	

This is an action initiated by Breck Smith, a state prisoner, on a petition for writ of habeas corpus. (ECF No. 10.) Before the Court is respondents' motion to consolidate this case with case number 2:11-cv-00566-RLH-RJJ on the basis that both actions involve closely related criminal convictions that were addressed in state court in a global plea agreement and which, respondents note, raise similar claims "alleging, inter alia, that Smith did not understand the deal and that the sentence was too harsh. . . ." Motion to Consolidate (ECF No. 11), p. 3. Petitioner has not opposed the motion in either action.

The Rules Governing 2254 Cases require a petitioner to file a separate petition for writ of habeas corpus as to each conviction or sentence that he or she is challenging. Rule 2(e). It appears that petitioner has complied with that rule. However, the interests of preserving judicial resources, as well as those of the parties, suggest that in this rare instance consolidation is appropriate.

IT IS THEREFORE ORDERED that the Motions to Consolidate (ECF Nos. 10 and 11 in case number 2:11-cv-00566-RLH-CWH and ECF No. 24 in case number 2:10-cv-01596-PMP-GWF) are **GRANTED. The Clerk shall file a copy of this Order in both cases.**

///

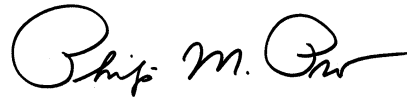
///

1 **IT IS FURTHER ORDERED** that the Clerk shall file a copy of the petition (ECF No. 1) from
2 case number 2:11-cv-00566-RLH-CWH) in case number 2:10-cv-01596-PMP-GWF and it shall be
3 identified as a Supplemental Petition. Petitioner shall pursue all available claims in his related cases in
4 this action and shall identify his pleadings with case number 2:10-cv-01596-PMP-GWF.

5 **IT IS FURTHER ORDERED** that respondents shall have forty five (45) days to file their
6 Answer or other response to the Amended Petition (ECF No. 19) and the Supplemental Petition in this
7 action. Petitioner shall have thirty days thereafter to respond.

8 **IT IS FURTHER ORDERED** that the Clerk shall close case number 2:11-cv-00566-RLH-
9 CWH).

10
11 DATED: September 22, 2011.

12 

13 _____
14 PHILIP M. PRO
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26